IN THE HIGH COURT OF THE JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4490 OF 2004
IN
CRIMINAL APPLICATION NO.2874 OF 2002

The State of Maharashtra ..Applicant (Org.Complainant)

V/s

Mohammad Ali Hussain Shaikh alias Chacha ..Respondent (Org. Accused)

Shri.A.S.Gadkari, A.P.P. for the Applicant.

CORAM : A.S.OKA, J.
DATED : JUNE 09, 2005.

P.C.:

1. This Application is filed in pending Criminal Application No.2874 of 2002. The said Criminal Application is filed for grant of sanction under Section 308 of the Code of Criminal Procedure, 1973 for prosecuting the Respondent(Accused) for giving false evidence. Rule has been issued in the said Criminal Application praying for sanction.

2. In this Application the prayer is for stay of the proceedings of the Sessions case in which the Respondent has allegedly given false evidence. In my view the prayer for stay of the pending Sessions case cannot be granted. Even if sanction is granted by this

Court in the main Application, there will be a separate prosecution against the Respondent. No case is made out for grant of stay. Accordingly, the Application is rejected.

JUDGE